APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 12,466

PANHANDLE EASTERN PIPE LINE CO., et al.,

Petitioners,

v.

FEDERAL POWER COMMISSION, et al.,

Respondents.

ORDER

Filed: October 29, 1974

Before VOGEL, Senior Circuit Judge, LAY and STEPHENSON, Circuit Judges.

PER CURIAM.

This matter comes before the court by petition of Anthony J. Fornelli, Director of the Department of Financial Institutions of the State of Illinois, and William J. Scott, the Attorney General of the State of Illinois, for an order directing the Treasurer of the United States to transfer and pay over to the Director of the Illinois Department of Financial Institutions pursuant to the provi-

sions of Ill. Rev. Stat. 1973, Ch. 141, §§ 101 et seq., the Illinois portion of the impounded funds in the above entitled cause, together with the master lists relating to the Illinois portion of the unclaimed rebate funds. Upon consideration of the brief of the petitioners and the opposition brief of the Attorney General of the United States, the court finds

(1) That it is alleged that the United States Treasurer has custody of certain rebate funds totaling $167,389.06 belonging to unnamed residents of the State of Illinois; that custody of said monies is placed in the Treasurer of the United States pursuant to 28 U.S.C. § 2042 and its supplemental provision 28 U.S.C. § 2041;[1]

(2) That pursuant to the aforesaid statutes monies deposited in the United States Treasury may only be released to *owners* of the monies, not to another custodian;

(3) That the laws of Illinois, Ill. Rev. Stat. 1973, Ch. 141, §§ 104(b), 107, 108 and 114, under which petitioners claim entitlement of such monies is the codification of

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1. Tit. 28 U.S.C. § 2041 provides:

All moneys paid into any court of the United States, or received by the officers thereof, in any case pending or adjudicated in such court, shall be forthwith deposited with the Treasurer of the United States or a designated depositary, in the name and to the credit of such court. This section shall not prevent the delivery of any such money to the rightful owners upon security, according to agreement of parties, under the direction of the court.

the Uniform Disposition of Unclaimed Property Act; as such it is custodial in nature and differs from an escheat-type statute. *See Insurance Co. of North America* v. *Knight,* 8 Ill. App. 3d 371, 291 N.E. 2d 40, 44 (Ill. App. Ct. 4th Dist. 1972), *appeal dismissed,* 94 S Ct. 165 (1973). Under such laws the State takes only custody for the lawful owners and does not become a lawful owner of abandoned property;

(4) That no useful purpose is presently satisfied by transferring the funds to the State of Illinois as custodian pending the formulation of an escheat plan.

IT IS THEREFORE ORDERED that the petition be DENIED.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS,
EIGHTH DISTRICT.

(To be printed but not published.)